1

2

4

5

6

7

8

9

10

11

12

13

1415

16

17

18 19

20

21

2223

24

25

26

Ш

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CHARLES HUTCHINGS JR.,

Plaintiff,

v.

ATL DIESEL, LLC, et al.,

Defendants.

CASE NO. 2:25-cv-00565-RSL

ORDER TO SHOW CAUSE

This matter comes before the Court *sua sponte*. On March 31, 2025, defendant ESCO Industries, Inc., removed this action to federal court alleging that the Court has jurisdiction based on the diversity of citizenship of the parties. *See* 28 U.S.C. § 1332(a) (establishing that the federal court's basic diversity jurisdiction extends to "all civil actions where the matter in controversy exceeds . . . \$75,000 . . . and is between . . . citizens of different States."). "For a case to qualify for federal jurisdiction under 28 U.S.C. § 1332(a), there must be complete diversity of citizenship between the parties opposed in interest." *Kuntz v. Lamar Corp.*, 385 F.3d 1177, 1181 (9th Cir. 2004) (internal citation omitted). In examining whether complete diversity is present, the citizenship of a limited liability company is determined by examining the citizenship of the owners/members. *See Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006) (holding that "like a partnership, an LLC is a citizen of every state of which its owners/members are citizens").

ORDER TO SHOW CAUSE - 1

Esco Industries has not alleged the citizenship of each owner/member of ATL Diesel, LLC (a named defendant at the time federal jurisdiction was invoked) and its allegation of the LLC's place of incorporation is insufficient to meet its burden of establishing the basis of the Court's jurisdiction. *See Indus. Tectonics, Inc. v. Aero Alloy*, 912 F.2d 1090, 1092 (9th Cir. 1990) ("The party asserting jurisdiction has the burden of proving all jurisdictional facts"); Fed R. Civ. P. 12(h)(3) ("If the Court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action"). As a result, Esco Industries is ORDERED TO SHOW CAUSE why the Court should not remand this action to state court by providing the Court with the citizenship of all of the owners/members of ATL Diesel, LLC, at the time of removal by April 25, 2025. The Clerk of the Court is directed to place this order to show cause on the Court's calendar for that date.

Dated this 11th day of April, 2025.

Robert S. Lasnik

MMS Casnik

United States District Judge

Page 2 of 2